

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court
Southern District of Texas
FILED

MAY - 9 2018

David J. Bradley, Clerk of Court

United States of America

v.

Juan Montoya-Palacios, and
Isael Juan-Perez

Case No.

H18-0765M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 7, 2018 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1324(a)(1)(A)(iii) and (B)(i) Knowingly and recklessly disregarding the fact that aliens came to or entered the United States in violation of law, the defendant concealed, harbored and shielded from detection, or attempted to conceal, harbor and shield from detection those aliens in the United States for commercial advantage of private financial gain

This criminal complaint is based on these facts:

SEE AFFIDAVIT

✓ Continued on the attached sheet.



Complainant's signature

David Reese, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/9/2017

Judge's signature

City and state: Houston, Texas

Hon. Dena Hanovice Palermo, U.S. Magistrate Judge

Printed name and title

"ATTACHMENT A"

I, David Reese, after being duly sworn, states as follows:

I am a Special Agent ("SA") with the United States ("U.S.") Immigration and Customs Enforcement ("ICE") / Homeland Security Investigations ("HSI"), presently assigned to the office located in Houston, Texas. I have been employed by Immigration and Customs Enforcement since 2006 and have been on my present assignment for approximately eleven months. I am an investigative or law enforcement officer within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the U.S. who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516. I have received approximately 38 weeks of specialized training at the Federal Law Enforcement Training Center in the enforcement of United States Customs, Immigration and Federal narcotics laws. I have debriefed and interviewed numerous individuals who have been involved in narcotics trafficking, alien smuggling and money laundering. I have participated in numerous investigations involving physical and electronic surveillance. I have applied for and participated in the execution of Federal search warrants. I am currently assigned to a Human Smuggling group that investigates alien smuggling offenses. In connection with my official duties, I investigate criminal and civil violations of the Controlled Substance Act ("C.S.A.") as well as financial crimes. Furthermore, I continuously receive training in the courses, provided by ICE and other agencies related to immigration law, including, but not limited to, alien smuggling. I have knowledge of the following facts:

1. On May 4, 2018, HSI Houston was notified by HSI Santa Ana of a Brazilian citizen being forcibly detained in Houston, Texas. HSI was informed that Richard Viera Dos Santos was being held by unknown person(s) at an unknown location until forty-three thousand dollars (\$43,000.00) was paid to unknown person(s) in Boston, Massachusetts.
2. HSI Santa Ana served as the HSI liaison with the family of Viera Dos Santos, as they could only communicate in Portuguese. From May 4, 2018 to May 6, 2018, the family made various communications with the unknown person(s) forcibly detaining Richard Viera Dos Santos. During these phone calls, the family relayed to HSI Santa Ana that Viera Dos Santos told them there were five (5) individuals at the location and they were armed with pistols tucked in their waistbands. The unknown person(s) forcibly detaining Richard Viera Dos Santos made unspecified threats of bodily harm should the money not be paid by 7:00 P.M. on May 7, 2018. Additionally, they threatened to sell Viera Dos Santos to another smuggling organization if payment was not made.
3. On May 6, 2018, HSI Santa Ana reported that the family communicated on several occasions with both Richard Viera Dos Santos and the known person(s) forcibly detaining him at telephone number (346) 779-1048.
4. On May 7, 2018, under the belief Viera Dos Santos was in immediate danger of death or serious physical injury and with the concurrence of the United States

Attorney's Office for the Southern District of Texas, an exigent request was made to T-Mobile to provide the location of the device utilizing cellular telephone number (346) 779-1048.

5. On May 7, 2018, HSI Houston, accompanied by the United States Border Patrol Gulf Coast Joint Targeting Team and the Harris County Sheriff's Office, made contact with the occupants of trailer #5, located at 314 Hill Road, Houston, Texas.
6. At that location, HSI Houston and Border Patrol agents obtained written permission to search the residence and vehicles, discovering Richard Viera Dos Santos and five (5) additional aliens without documents which would allow them to enter, pass through or remain in the United States. Additionally, one other alien was found in the location and he was previously released on an immigration bond while awaiting proceedings. Richard Viera Dos Santos was found to be unharmed. During the search, evidence of alien smuggling was discovered, including logs, deposit slips and approximately ten thousand two hundred-fifty dollars (\$10,250.00) in United States currency. The currency was located in a closet attached to a room where the aliens stated the smugglers slept. No firearms, ammunition or related items were found on the property.
7. Further investigation revealed that two of the individuals at that location -- Juan Montoya-Palacios and Isael Juan-Perez -- to be the caretakers for five (5) smuggled aliens. This determination was based on the statements of the five other aliens at the location as well as Montoya-Palacios and Juan-Perez' own statements that they resided at the location.
8. The seven (7) aliens were transported to the Houston Service Processing Center for processing and interviews. Two (2) of the smuggled aliens were determined to be juveniles.
9. HSI Special Agents interviewed Juan Palacios-Montoya, who admitted post-Miranda that he had been serving as a caretaker for smuggled aliens at the residence for approximately three (3) months. Palacios-Montoya was paid fifty dollars (\$50.00) by various sources per alien for their stay at the trailer. Palacios-Montoya stated the (346) 779-1048 number was his and was utilized to conduct alien smuggling transactions with various Mexican and Guatemalan smugglers. Palacios-Montoya indicated that he was assisted in his operations by Isael Juan-Perez, with whom he shared the smuggling proceeds equally. Palacios-Montoya denied owning any firearms and stated he never threatened any of the aliens.
10. HSI Special Agents interviewed Isael Juan-Perez, who stated post-Miranda he was not a caretaker at the residence and just a renter at the trailer. Juan-Perez stated he believed the other occupants of the trailer were friends of Juan Palacios-Montoya and was not aware they were smuggled aliens. Juan-Perez stated that he pays between two hundred (\$200.00) to three hundred (\$300.00) dollars per month in rent, but was not sure of the exact amount. When asked about his employment to pay his rent, Juan-Perez stated he works in construction for an unknown person at

an unknown location in downtown Houston. During a consensual search of Juan-Perez's phone, agents discovered phone numbers identified as smugglers by Palacios-Montoya. Additionally, there were text messages containing bank account data and deposit receipts from a person described as a "coyote" by Palacios-Montoya. At the time of his arrest, Juan-Perez had fifteen hundred dollars (\$1,500.00) of U.S. currency in his wallet, which he stated were proceeds from his employment and a withdrawal from his wife's bank account.

11. HSI and Border Patrol agents showed photographic lineups of the principles and conducted interviews of material witnesses.
12. Material witness Kristian Ariel Zapet-Alvarado, an illegal alien from Guatemala who was recently smuggled into the United States and who was found at the location, identified Juan Montoya-Palacios as a caretaker for the house who brought food to the smuggled aliens. He also identified Isael Juan-Perez as a caretaker who brought food to the smuggled aliens.
13. Material witness Jose Juan Lopez-Hernandez, an illegal alien from Guatemala who was recently smuggled into the United States and who was found at the stash house, identified Juan Montoya-Palacios as a person who was making calls. He also identified Isael Juan-Perez was contacting his family to arrange the payment of smuggling fees.
14. Material witness Richard Viera Dos Santos, an illegal alien from Brazil who was recently smuggled into the United States and who was found at the stash house, identified Juan Montoya-Palacios as a "coyote" who directed him to contact his family and told him he would not be released until payment was made. Hew also identified Isael Juan-Perez as a person who prepared aliens for transport and delivered them.
15. The other two illegal aliens who were recently smuggled into the United States that were found at the stash house were juveniles from Guatemala and Honduras.
16. Montoya-Palacios and Juan-Perez denied ownership of the U.S. currency found in the residence and both signed forms attesting to this.
17. Juan Montoya-Palacios and Isael Juan-Perez will be held at the Houston Service Processing Center until their initial appearance. Montoya-Palacios is an illegal alien from Mexico who entered the United States without inspection at a place other than a designated port of entry. Juan-Perez is an illegal alien, and although he is currently in removal proceedings, he too is an illegal alien from Mexico who entered the United States without inspection at a place other than a designated port of entry.
18. Kristian Ariel Zapet-Alvarado, Jose Juan Lopez-Hernandez and Richard Viera Dos Santos will be presented as material witnesses.

19. Based upon the evidence gathered from the investigation, I believe there is probable cause to believe that Juan Montoya-Palacios and Isael Juan-Perez violated Title 8, United States Code, Section 1324(a)(1)(A)(iii), conspiracy to harbor aliens for commercial advantage or private financial gain.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on May 9, 2018 at Houston, Texas.



Special Agent David Reese
Homeland Security Investigations
Houston, Texas

Sworn and subscribed before me on May 9, 2018 and I find probable cause.



THE HONORABLE DENA HANOVICE PALERMO
UNITED STATES MAGISTRATE JUDGE